

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ELSIN AMAY SAMANIEGO and HENRY AMAY  
SAMANIEGO, *individually and on behalf of all  
others similarly situated*,

Plaintiffs,

-v.-

HKS BUILDERS & CONSULTANTS INC., and  
AMARJIT SINGH, as an individual,

Defendants.

19 Civ. 10283 (KPF)

**JUDGMENT**

KATHERINE POLK FAILLA, District Judge:

This action having been commenced on November 5, 2020, by the filing  
of the Summons and Complaint; and

On September 1, 2020, counsel for Defendants HKS Builders &  
Consultants Inc. and Amarjit Singh having filed a motion to withdraw as  
counsel, citing, *inter alia*, Defendants' failures to participate in Court-ordered  
mediation; and

The Court, having ordered the Defendants and counsel to appear for a  
telephone conference which was held on September 15, 2020, at which the  
Court granted the motion notwithstanding Defendants' failure to appear; and

The Court, having directed the Clerk to update the contact information  
for each Defendant to reflect new addresses provided by outgoing counsel:

2511 3rd Avenue Bronx, NY 10472; Phone: (929) 499-6579; Email:

handb\_construction@yahoo.com; and

On September 15, 2020, the Court having ordered Defendants HKS Builders & Consultants Inc. and Amarjit Singh to show cause, in writing on or before October 16, 2020, why default judgment should not be entered against them for their nonparticipation and failure to comply with the Court's Orders; and

The Court, having advised Defendant Amarjit Singh that, while he may retain substitute counsel or appear *pro se* in this matter, he may not appear or speak on behalf of HKS Builders & Consultants Inc., and that as a corporate entity, HKS Builders & Consultants Inc. must be represented by counsel in any further proceedings in this action; and

On October 23, 2020, the Court, having found Defendants HKS Builders & Consultants Inc. and Amarjit Singh to be in default for their failure to respond to the Court's September 15, 2020 Order, ORDERED, ADJUDGED, AND DECREED that Plaintiffs have judgment in their favor against Defendants HKS Builders & Consultants Inc. and Amarjit Singh; and

The Clerk of Court, having served by mail a true and correct copy of this Court's October 23, 2020 Judgment and Order to the Defendants at 2511 3rd Avenue, Bronx, NY 10472; and

Plaintiffs, having submitted to the Court a schedule of proposed damages, attorney's fees, and costs to be assessed against the Defendants; and

On February 17, 2021, the Court, having issued an Order awarding each Plaintiff \$8,930.63 in back wages, with 9% prejudgment interest accruing from November 15, 2018; \$8,930.63 in liquidated damages; \$5,000 for Defendants'

violation of NYLL § 195(1); and \$5,000 for Defendants' violation of NYLL § 195(3), in total damages in the amount of \$27,861.26 per Plaintiff, and \$55,722.52 in total, not including interest; and

The Court, having also awarded Plaintiffs attorneys' fees of \$5,912.50 and costs of \$400, for a total amount of \$6,312.50; and

The Court, having also awarded Plaintiffs post-judgment interest in accordance with 28 U.S.C. § 1961; and

The total amount of judgment having been automatically increased by fifteen percent (15%) in accordance with NYLL § 198(4) as HKS Builders & Consultants Inc. and Amarjit Singh, have not paid any portion of the judgment thereof despite the expiration of ninety (90) days following issuance of judgment and ninety (90) days after the expiration of the time to appeal with no appeal having been made by Defendants; it is

ORDERED, ADJUDGED AND DECREED: that Plaintiffs Elsin Amay Samaniego and Henry Amay Samaniego each have judgment against HKS Builders & Consultants Inc., and Amarjit Singh as an individual, jointly and severally, in the amount of \$8,930.63 in back wages, with 9% prejudgment interest pursuant to CPLR § 5004 accruing from November 15, 2018, through October 23, 2020, in the amount of \$1561.27, plus \$8,930.63 in liquidated damages, plus \$10,000.00 for Defendants' violations of NYLL § 195(1) & (3), amounting in all to \$29,422.53, plus an additional 15% percent pursuant to NYLL § 198(4) in the amount of \$4,413.38, amounting in all to **\$33,835.91** per Plaintiff and **\$67,671.82** in total.

The Court also awards attorneys' fees in the amount of \$5,912.50 and costs in the amount of \$400, plus an additional 15% in the amount of \$946.88, amounting in all to **\$7,259.38**.

The Court also awards post-judgment interest pursuant to 28 U.S.C. § 1961.

The Court directs Plaintiffs to transmit a copy of this Order to Defendants through any means they have previously used to communicate with Defendants.

SO ORDERED.

Dated: July 7, 2021  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

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KATHERINE POLK FAILLA  
United States District Judge